

**IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.* )  
OKLAHOMA STATE BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JUSTIN BRENT SMITH, P.T.A., )  
LICENSE TA 1773, )  
 )  
Defendant. )

**FILED**

JUL 06 2021

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 21-01-5969

**ORDER GRANTING REINSTATEMENT OF LICENSE  
AFTER IMMEDIATE SUSPENSION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (“Board”) on June 24, 2021, at Embassy Suites by Hilton Northwest, 3233 N.W. Expressway, Oklahoma City, Oklahoma 731112, pursuant to notice given as required by law and rules of the Board.

Joe Ashbaker, Assistant Attorney General (“AAG Ashbaker”) appeared on behalf of Plaintiff. Defendant appeared in person, *pro se*. AAG Ashbaker and Mr. Justin Brent Smith (“Defendant”) are hereinafter referred to as the Parties.

Robert Margo, Board Advisor, inquired of Defendant if he is waiving his right to counsel knowingly and wished to proceed *pro se*. Defendant agreed he was waiving his right to counsel and wished to proceed.

The following exhibits were admitted into evidence without objection:

- State’s Exhibit 1: Discharge letter to Justin Smith, TA 1773, dated June 4, 2021 from Allied Professional Peer Assistant Program
- State’s Exhibit 2: Abbott Laboratory Drug Test
- State’s Exhibit 3: Contract, Allied Professional Peer Assistance Program Oklahoma State Board of Medical licensure & Supervision Justin Smith, signed January 27, 2021 effective through January 27, 2023

The following witnesses were sworn and testified: Lyle Kelsey, Justin Brent Smith, Defendant, and Robert B. Nisbet, M.D., Coordinator, Allied Professional Peer Assistance Program (“APPA”).

The Board, having heard argument of AAG Ashbaker, sworn testimony of Defendant and Dr. Nisbet, and being fully apprised of the premises, makes the following findings of fact and conclusions of law and orders:

#### **Findings of Fact**

1. In Oklahoma, Defendant holds physical therapist assistant license no. PTA 1773, originally issued September 25, 2009.
2. On June 4, 2021, an Immediate Suspension of Physical Therapist Assistant License (“Suspension Order”) was filed pursuant to 59 O.S. § 518.1(J) and Okla. Admin. Code § 435:12-1-8(c). Defendant was personally served on June 7, 2021 with the Suspension Order, and a Letter Notice setting hearing on June 24, 2021. A Return of Service Affidavit was filed on June 22, 2021.
3. At the June 24, 2021 Board meeting, AAG Ashbaker summarized the facts underlying the entry of the Suspension Order. Defendant testified and admitted the truth of all statements contained in Exhibits 1, 2 and 3. Dr. Nisbet testified Defendant could reenter APPA, if so ordered.
4. Any finding of fact which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

#### **Conclusions of Law**

5. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physical therapy assistants in the State of Oklahoma. 59 O.S. § 887.1 *et seq.*; Okla. Admin. Code §§ 435:20-3-1 *et seq.*, 435:12-1-8.
6. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 518.1(J), Okla. Admin. Code § 435:12-1-8(c).
7. Defendant has met all requirements for reinstatement of his license. 59 O.S. § 877.1 *et seq.*
8. All the hearing proceedings and testimony were preserved in accordance with applicable law and rules.
9. Any conclusion of law which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

Orders

**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

10. The Immediate Suspension of Physical Therapist Assistant License, filed on June 4, 2021, is **RATIFIED**.
11. The Board ordered and referred Defendant to the Allied Professional Peer Assistance Program. Defendant's Oklahoma physical therapist assistant license no. PTA 1773 shall be **REINSTATED** upon receipt by the Board or its designee of a fully executed new contract with the Allied Professional Peer Assistance Program.
12. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 6<sup>th</sup> day of July, 2021.



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Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION



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James M. Brinkworth, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

**Certificate of Service**

This is to certify that on the 7<sup>th</sup> day of July, 2021, the foregoing instrument was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Justin Smith, PTA  
7411 Rutherford Road  
Noble, Oklahoma 73068

***Defendant***

E-Mail

Joseph L. Ashbaker, AAG  
State of Oklahoma  
Office of Attorney General  
313 N.E. 21st Street  
Oklahoma City, Oklahoma 73105  
(405) 521-3921  
(405) 521-6246 facsimile  
joe.ashbaker@oag.ok.gov  
***Attorney for Plaintiff,  
Oklahoma State Board of Medical  
Licensure and Supervision***



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Nancy Thiemann, Legal Assistant